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COMMISSION
REPORTS

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The State of North Carolina

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Report
of the
Commission on Legislative
Representation



November, 1956

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October 26, 1956

His Excellency

GOVERNOR OF NORTH CAROLINA
Raleigh, North Carolina

Your Excellency :

The Commission on Legislative Representation provided for by Senate Resolution 363 of the 1955 General Assembly herewith transmits to Your Excellency this report with its recommendations.

The members of the Commission feel that adoption of the recommendations contained herein will not only afford an acceptable solution to the problem which has confronted each North Carolina General Assembly since 1951, but in addition will provide a lasting remedy to this decennial problem.

Respectfully,

N. ELTON AYDLETT

F. J. BLYTHE

DENNIS S. COOK

R. E. BRANTLEY

JOSEPH M. HUNT, JR.

JOHN R. JORDAN, JR., *Vice-Chairman*

CARROLL W. WEATHERS, *Chairman*

Mr. Weimar Jones does not concur in the Commission report, and files a minority report which is attached hereto.

Rep. Thomas J. White dissents.



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Report of the Commission on Legislative Representation

Commission History

This Commission was created in accordance with the provisions of Senate Resolution 363, which was passed by the 1955 General Assembly of North Carolina. A copy of the Resolution is appended to this report as Appendix A.

Pursuant to the Resolution the President of the 1955 Senate appointed to the Commission Senators N. Elton Aydlett of Elizabeth City (Pasquotank County), F. J. Blythe of Charlotte (Mecklenburg County), and Dennis S. Cook of Lenoir (Caldwell County). The Speaker of the 1955 House of Representatives appointed Representatives R. E. Brantley of Tryon (Polk County), Joseph M. Hunt, Jr., of Greensboro (Guilford County), and Thomas J. White of Kinston (Lenoir County). The Governor appointed Carroll W. Weathers of Raleigh (Wake County), Dean of the Wake Forest Law School; Weimar Jones of Franklinton (Macon County), editor and publisher; and John R. Jordan, Jr., of Raleigh (Wake County), attorney at law.

At its organizational meeting in Raleigh on September 8, 1955, the Commission elected Dean Weathers Chairman and John R. Jordan, Jr., Vice-Chairman. Subsequently Basil L. Sherrill of Burlington, attorney at law, was selected as Executive Secretary.

Beginning in January, 1956, the Commission met periodically throughout the year to study the problem of legislative representation. In March a public hearing was held in Raleigh, with members of the General Assembly receiving special invitations, and members of the general public invited through press media. A number of members of the General Assembly attended, as did members of the general public, and press representatives.

The Commission examined closely the Resolution which set forth its powers and duties. The following quotation is taken therefrom: "Sec. 2. It shall be the duty of said commission to study the whole problem of redistricting and reapportionment and re-examine the theory, practice and bases of representation in both Houses of the General Assembly. The said commission

shall also study the question, problem and mechanics of representation in the General Assembly and the proper method and basis to be fixed for each House of same; the Commission shall study the problem and question of geographical or district representation, as well as representation in proportion to population and the practices and methods and mechanics adaptable to each House of the General Assembly in order to carry out representative government on the basis of a bicameral system. The Commission shall also consider whether or not the actual working and mechanics of reapportionment and redistricting should be placed in an authorized agency outside of the General Assembly with mandatory provisions to make and enforce redistricting and reapportionment”

Close scrutiny of this and other language in the Resolution led unmistakably to the conclusion that the scope of the Commission's duties with respect to legislative representation was limited only by a restriction to consideration of a bicameral system. It also was quite clear that it was *not* contemplated that the Commission would draft any redistricting or reapportionment plan under present Constitutional provisions.

Further study of the Resolution brought the Commission to the conclusion that it would be most unlikely, if not impossible, to devise any sort of plan for representation, within the intent of the Resolution, without amending present Constitutional provisions on legislative representation.

Source Materials and Method of Study

In its study of theories and bases of representation the Commission studied the constitutional and statutory provisions relating to legislative representation of every state. In addition to the provisions of our own North Carolina constitution and statutes on representation in the General Assembly, special attention was given to pertinent provisions of the States of Idaho, Illinois, Maine, Michigan, Mississippi, Missouri, New York, Ohio, Pennsylvania, Texas, and Wisconsin. Accounts and reports of recent experiences of other states with changes in legislative representation were examined.

The Secretary of State in each of the other 47 states was contacted and requested to advise the Commission on the ex-

perience in the respective states with apportionment, reapportionment, and changes thereto. Department heads of political science and public administration at leading universities and colleges in the country were asked for comments and suggestions. Educators in North Carolina were consulted and their advice and counsel requested. The League of Women Voters furnished valuable reference materials which it had gathered as a result of its study of the problem. The climax of the study phase was the public hearing held on March 15, 1956.

Initial Decisions

Certain questions were regarded as fundamental, and decisions as to such questions were reached at an early moment. First the Commission concluded that area or geographical units, as well as population, should be considered as a basis for representation. Next, a decision was reached that the present provision guaranteeing each county one Representative should be retained. In addition members of the Commission were agreed that there should be no reduction in membership in either the House or Senate.

The above decisions were considered justified by past history and practical political considerations. The U. S. Congress, wherein each state, regardless of population, has two Senators, was considered the prime example of long recognition in this country of geographical or political units as a basis for representation in one house of a bicameral system.

The Commission recognized that, generally speaking, population is the proper basis for political representation. If there were equal, or nearly equal, distribution of the population over the area of the State, the Commission might well have considered that population should be the sole factor in determining representation in the North Carolina General Assembly. However, it was the thinking of the members of the Commission that a desirable factor in apportioning representation is that members of the legislature, House and Senate, should be as close to the people as possible, and that in order for a representative to be sufficiently close, and to be sensitive to the wishes of the people, the area represented should never be so great as

to impose restraints because of distance between the representative and the represented.

The decision that each county should continue to be guaranteed one representative was made because it was considered impractical to discard this established political concept, and because there is in this concept a recognition of area, or political units, as a basis for representation. Further consideration of this latter point demonstrates that at present in North Carolina the House more nearly resembles the U. S. Senate, whereas the State Senate, with its districts to "contain, as near as may be, an equal number of inhabitants," more nearly resembles the U. S. House of Representatives.

The Commission found that North Carolina, with its 50 Senators and 120 Representatives, was about average in the size of its legislative membership, when compared with the other 47 states. The conclusion that there should be no reduction in membership in either branch was based primarily on practical political considerations.

The two preceding conclusions led to consideration of whether membership could, or should, be increased in either, or both, branches of the General Assembly. The physical capacity of the present House and Senate chambers was considered as a limiting factor. It was, however, considered feasible, even under space limits of the present chambers, to allow for a relatively small increase in membership of either legislative branch. This could be done by utilizing space now being used as small lobbies in the rear of the present chambers.

Recommendations

The Commission recommends first of all that the General Assembly should proceed to redistrict and reapportion in accordance with present Constitutional provisions.

Second, the Commission recommends that a limitation be placed on Senate representation, so that no county shall be entitled to more than two Senators, regardless of population.

Third, the Commission recommends that there be a minimum limit of not less than one Senator for any four counties, regardless of population.

Fourth, the Commission recommends that membership of the House of Representatives be increased to 130 members, with the present ratio of representation concept retained.

Fifth, the Commission recommends that a Legislative Reapportionment Commission be established, to be composed of the Lieutenant Governor as Chairman, the Speaker of the House of Representatives, the Attorney General, the State Treasurer, and the Secretary of State, whose duties shall be that of redistricting and reapportioning for the Senate and the House of Representatives respectively, after each decennial census. As a further adjunct to this recommendation, it is recommended that the Supreme Court of North Carolina be given original jurisdiction to compel such Commission to perform its duties as aforesaid, by writ of mandamus or otherwise, on the application of any qualified elector.

Each of the above recommendations, except the first, can be effected only by amendment of the North Carolina Constitution. Proposed legislation, to begin the amendment process, will be submitted to the 1957 General Assembly. It is recommended, however, that for a number of reasons, including numerous technical difficulties, these recommendations be placed into effect after the 1960 census.

Explanation of Recommendations

The Commission's first recommendation is a statement of the belief of a majority of its members that until there is a change in the present constitutional provisions, the clear duty of the General Assembly is to redistrict and reapportion in accordance with the 1950 census.

The second and third recommendations might best be considered together. In the general election of 1954 the people of the State rejected a proposed constitutional amendment to limit any one county to a single Senator, and the Commission feels that the people have spoken to this extent. The Commission members do not feel, however, that proposals of like kind but differing materially in degree, will of necessity meet with disfavor. As a partial recognition of area as a basis for representation, the Commission proposes to limit any one county to two Senators, and at the same time guarantee that no Senator shall be required to represent more than four counties. Members feel that

whereas there is now no limit on the number of Senators which any one county may have, as a practical matter the more populous counties stand to gain by a redistricting under the two-per-county limit, for the mathematical fact that Mecklenburg and Guilford Counties are each entitled to two Senators under present constitutional provisions has been a prominent and determining factor in the refusal of the 1951, 1953, and 1955 General Assemblies to redistrict and reapportion. So, while theoretically the proposal is a concession by the element favoring population only as a basis for the representation, in actuality, or at least for the present, there is a gain made by the more populous areas.

The third recommendation is a result of Senators now having to represent the people in as many as eight counties, and with prospects that in the future a Senate district based entirely on population might be composed of even more than eight counties. As the area increases the ability of the Senator to remain close to the people whom he represents decreases. This recommendation does not prohibit the practice now in existence of having two Senators for one district, but does place a limitation on the practicality of such two-Senator districts in the more sparsely settled areas.

With the requirement of Senate districts based on population and a requirement that any four counties of contiguous territory be represented by a Senator, it is possible that population concentrations could cause the number of Senate members to rise above 50. To guard against this it is suggested that the Senate be always limited to 50 members, and in the rather remote event that a conflict arises between awarding two Senators to populous counties or centers and to restricting Senate districts to no more than four counties, the priority be awarded to satisfying the requirement of a Senator for every four counties, and then award a second Senator to the more populous counties in order of population rank until the maximum number of 50 Senators is reached.

The objective of the fourth recommendation is to make the House more responsive to population. By adding ten members, so that House membership would total 130, and by retaining the present method of apportioning according to the ratio of representation, every county in North Carolina having a 1950

population excess of 10,000 or more above the ratio of representation would be entitled to two (or more) Representatives. Using 1950 census figures, it would mean that every county now having two or more Representatives would retain their present number (except that Gaston would gain a member and be entitled to three Representatives), and Alamance, Rockingham, Cleveland, Wayne, New Hanover, Davidson, Catawba, Nash, and Halifax would gain an additional Representative.

The fifth recommendation would place redistricting and reapportionment in the hands of a Commission completely independent of the Legislature. The Commission, to be known as the Legislative Reapportionment Commission, is composed of four members, the Lieutenant Governor, Treasurer, Attorney General, and Secretary of State, who have been elected by the people of the entire state, and the fifth member, the Speaker of the House, who is elected from his county first, and then by Representatives of all the people in the state. The Commission thinks that a Commission of members who hold elective offices is more responsive to the people and less subject to influence of political personalities than a Commission of appointed members. The Commission also favors a Commission, rather than an individual, for the same reasons.

As a part of the provision, power is given to the State Supreme Court to issue a mandatory writ to the Commission, in the event the Commission fails to take timely action. Any interested voter could initiate action directly in the Supreme Court.

Immediately below are two proposed bills which the Commission will submit to the 1957 General Assembly. It would be possible to include both bills in one package, and when passed, submit everything herein as a whole for acceptance or rejection at the polls. The Commission feels that it is possible that the General Assembly and the citizens might prefer to reject the one and adopt the other, and the Commission feels that, while it recommends the provisions in each bill and urges the adoption of both, it is entirely possible to separate the independent legislative reapportionment commission idea from the remaining provisions, and either will be practical and desirable standing alone.

A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA SO AS TO ALTER THE METHOD OF APPORTIONMENT OF SENATORS AND REPRESENTATIVES.

WHEREAS, the 1955 General Assembly authorized a nine-member Commission on Legislative Representation to study the entire process of apportionment and reapportionment, and said Commission has rendered its report with its recommendations, made after thorough and careful study of the entire problem;

Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. Article II, Section 4 of the Constitution of North Carolina is hereby rewritten to read as follows:

“The Senate districts shall be so altered after the return of every enumeration by order of Congress that each Senate district shall contain, subject to a geographical limitation that no Senate district shall be composed of more than four counties consisting of contiguous territory, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration. No one county shall be entitled to more than two Senators in the General Assembly of North Carolina. In the event that the limitation of four counties to any one Senatorial district should result in a requirement of more than fifty Senators, the number of Senators shall nevertheless remain at fifty, and priority shall be accorded to the matter of limiting any one district to no more than four counties.”

SECTION 2. Article II, Section 5 of the Constitution of North Carolina is hereby rewritten to read as follows:

“The House of Representatives shall be composed of one hundred and thirty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation.”

SECTION 3. Article II, Section 6 of the Constitution of North Carolina is hereby amended by changing line four as same appears in the printed Constitution contained in Volume 4A of the General Statutes of North Carolina, as recompiled in 1955, to read as follows:

“those counties which do not severally contain the one hundred and thirtieth part”.

SECTION 4. These amendments shall be submitted to the qualified voters of the entire State at the next general election after ratification of this Act.

SECTION 5. The electors favoring the adoption of these amendments shall vote a ballot on which shall be printed or written the words:

“For amendments limiting the size of any senatorial district to not more than four counties; limiting the number of senators for any one county to two; and changing the number of Representatives from 120 to 130.”

Those opposed shall vote ballots on which shall be printed or written the words:

“Against amendments limiting the size of any senatorial district to not more than four counties; limiting the number of senators for any one county to two; and changing the number of Representatives from 120 to 130.”

SECTION 6. The election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of these amendments, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendments so certified among the permanent records of his office, and the amendment so certified shall be in full force and effect from and after the date of its certification, subject to Section 7 below.

SECTION 7. The changes in the districting and the apportionment of the Senate and the House of Representatives are not to be placed into effect until after the 1960 census is taken and reported to the President.

SECTION 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 9. This Act shall be in full force and effect from and after its ratification.

A BILL TO BE ENTITLED AN ACT TO AMEND THE
CONSTITUTION OF NORTH CAROLINA SO AS TO CREATE
A LEGISLATIVE REAPPORTIONMENT COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. Article II of the Constitution of North Carolina is hereby amended by adding a new section, Section 6.1, thereto, such new section to read as follows:

“There is hereby created the Legislative Reapportionment Commission of North Carolina, which shall be composed of five members, as follows: the Lieutenant Governor who shall be the Chairman, the Speaker of the House of Representatives, the Attorney General, the State Treasurer, and the Secretary of State, a majority of whom shall constitute a quorum. Said Commission shall assemble in Raleigh within 90 days after the population of the State is reported to the President for each decennial census of the United States. The Commission shall, within 60 days after assembling, reapportion representatives to the counties and shall redistrict the State into Senatorial districts as heretofore provided. The Commission shall file in the office of the Secretary of State a full statement, signed by three or more members, of the reapportionment and redistricting. The Supreme Court of North Carolina shall have original jurisdiction to compel such Commission to perform its duties as aforesaid, by writ of mandamus or otherwise, on the application of any qualified elector.”

SECTION 2. This amendment shall be submitted to the qualified voters of the entire state at the next general election after ratification of this Act.

SECTION 3. The electors favoring the adoption of this amendment shall vote a ballot on which shall be printed or written the words:

“For amendment creating a Reapportionment Commission to relieve the Legislature of the duty of reapportioning and redistricting the General Assembly after each census.”

Those opposed shall vote ballots on which shall be printed the words:

“Against amendment creating a Reapportionment Commission to relieve the Legislature of the duty of reapportioning and redistricting the General Assembly after each census.”

SECTION 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in full force and effect from and after the date of its certification.

SECTION 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 6. This Act shall be in full force and effect from and after its ratification.

Appendix A

RESOLUTION NO. 48.

1.

S. R. No. 363.

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION OF NINE MEMBERS TO INQUIRE, INTO, REPORT AND MAKE RECOMMENDATIONS AS TO THE ALTERATION AND MODIFICATION OF SENATORIAL DISTRICTS IN THIS STATE, AS WELL AS THE REGULATIONS IN RELATION TO APPORTIONMENT OF REPRESENTATIVES.

WHEREAS, our Constitution at the present time contains the same methods of senatorial redistricting and the same methods of reapportionment of members of the House of Representatives that were adopted by the Reconstruction Constitutional Convention of 1868; and

WHEREAS, the growing reluctance on the part of the General Assembly to change senatorial districts and to accomplish re-

apportionment in the House of Representatives, a feeling or concept that the method of determining representation in both Houses of the General Assembly is unrealistic, unsound and does not embody or contain a reasonable relation to the methods and objectives of representation sought to be accomplished; and

WHEREAS, the bicameral system of legislative representation should be so set up and so organized that the two Chambers of the General Assembly should have fundamentally representative bases so that each Chamber can serve as a check on the other, and it is necessary to re-examine the theory, as well as the practice of popular representation in North Carolina; and

WHEREAS, it is necessary to determine which House of the General Assembly shall faithfully reflect representation based on population and which House should faithfully reflect representation based on geographical units if such method is adopted, and it is further necessary to consider the ratio of population in proportion to the representative capacity of the members of each House of the General Assembly and also the actual mechanics of redistricting and reapportionment:

Now, therefore, be it resolved by the Senate, the House concurring:

SECTION 1. That a special commission shall be established which shall be known as "The Commission of Legislative Representation" and shall be composed of nine members, three of whom shall be appointed by the President of the Senate and from the membership of the Senate; three shall be appointed by the Speaker of the House from the membership of the House; and three shall be appointed by the Governor of this State from those members of the public at large who have some familiarity with governmental theory and practice.

SECTION 2. It shall be the duty of said commission to study the whole problem of redistricting and reapportionment and re-examine the theory, practice and bases of representation in both Houses of the General Assembly. The said commission shall also study the question, problem and mechanics of representation in the General Assembly and the proper method and basis to be fixed for each House of same; the commission shall study the problem and question of geographical or district representation, as

well as representation in proportion to population and the practices and methods and mechanics adaptable to each House of the General Assembly in order to carry out representative government on the basis of a bicameral system. The commission shall also consider whether or not the actual working and mechanics of reapportionment and redistricting should be placed in an authorized agency outside of the General Assembly with mandatory provisions to make and enforce redistricting and reapportionment independent of the consideration, personalities and concepts of individual members of the General Assembly ; the said commission shall study the experience of other states and shall examine theories of representation totally new or unfamiliar to this State and shall gather factual information and data on the subject, and it is hereby authorized to study any and all phases of the primary subject or question of this Resolution.

SECTION 3. The said commission shall have the power and authority to examine data and records in the various offices, bureaus and institutions, as well as agencies of State government and to utilize the personnel of any such agencies or offices of the State government and to do any and all things necessary to accomplish the objectives of this Resolution.

SECTION 4. The commission shall determine its own procedure and plan of organization and elect its own chairman. The commission, the chairman and other members of the commission shall have such power and authority to administer oaths, examine persons and to exercise any and all the power and authority granted to legislative committees or commissions by the general laws of the State now in force and governing such commissions and committees appointed by the General Assembly.

SECTION 5. Members of the commission shall receive the same per diem and travel allowance as that allowed officers and employees of the State while in the performance of their duties as members of the commission.

SECTION 6. After completing its investigation and studies the commission shall file a report with the Governor of North Carolina and with the General Assembly of 1957, containing a statement of its investigations, findings and recommendations.

SECTION 7. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

L. E. Barnhardt
President of the Senate.

Larry I. Moore, Jr.
Speaker of the House of Representatives.

Examined and found correct,
Claude Currie
For Committee.

MINORITY REPORT

November 12, 1956

Governor Luther H. Hodges,
Governor's Office,
Raleigh, N. C.

Dear Governor Hodges:

The earnestness and sincerity of other members of the Commission on Legislative Representation have won my unqualified respect.

I find myself in such disagreement with their conclusions, however, that I cannot, in conscience, sign the majority report.

Failure to do so imposes on me two obligations: First, to say why; and, second, to offer something I consider better.

Both my objections to the proposals of the majority and the recommendations in this minority report are based on the following assumptions:

That this commission's sole duty is to come up with the fairest, most workable plan it can devise; what action is taken on our recommendations is the responsibility of the Legislature and the people—not ours.

That while it may be true that "half a loaf is better than none", on so fundamental a matter as fair and honest representation there is no good reason why the people should be offered less than a whole loaf.

That repeated failure of the General Assembly to perform a duty is not, in itself, sufficient reason to change the state constitution. The people's remedy for unfaithful servants is the ballot.

That while a change in the constitutional method of legislative representation may be desirable, the constitution should be amended only if the change gives promise of substantial improvement in the method itself.

That the present constitution, since it was adopted nearly a century ago under Reconstruction conditions, well may be subject to improvement; further, that there is nothing either sacred or magic about the figures 50 and 120—the membership of the senate and house as fixed by the constitution.

That such basic law as the constitution should deal with general principles only, leaving the details to the General Assembly; and that any constitutional provision should be so simple and clear as to be easily understandable to the average citizen.

That any system of legislative representation, to be fair, must take account of two factors; First, population, second, protection of the rights of minorities, including the smaller counties and the less populous sections of the state.

The majority report would: (a) Give the more populous counties ten additional members of the house; (b) place two restrictions on the present allotment of senate seats on a basis of population only; and (c) provide for reapportionment and redistricting by a commission, made up of five state officials.

The proposal has four major weaknesses:

1. It is cumbersome, not simple. In the house, seats are now allotted under a formula so involved as to approach obscurity:

“... the ratio of representation (after each county has been given one member) shall be ascertained by dividing the amount of the population of the state, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties ...”

Instead of clarifying this complicated provision, the majority report would add new complexities in the senate, writing in provisos limiting the present population-only basis for seats in that chamber.

2. The constitution plainly says the General Assembly “shall” reapportion house seats and redistrict for the senate after each decennial census. Failure of the General Assembly to obey that mandate is indefensible. Why, then, have legislators, sworn to uphold the constitution, repeatedly violated that oath? It seems reasonable to assume it may have been because of fear, on the part of legislators from the smaller counties and the less populous areas. For the present system, since it bases representation in the senate solely on population, not only gives the populous areas an advantage in that chamber; it also gives the large counties a 20 seat advantage in the house.

Instead of correcting this over-emphasis on population, the majority report would compound the error by giving the big counties still more house seats.

3. To cancel that out, it would violate the sacred principle that representation in at least one chamber must be based on population alone—violate it twice. It would limit to two the number of senators from any one county, no matter how populous; and limit to four the number of counties in any one senatorial district, no matter how small the population.

The majority report, in short, would merely put more patches on an already patched and long outgrown pair of pants—presumably on the theory the boy might refuse to wear any others!

4. Legislative representation is a political matter; and it is a basic concept in representative government that the minority must have a voice on vital matters; under that concept, surely the minority party in North Carolina should have a say-so in determining how legislative representation shall be allotted. But, the state's political complexion being what it is, the net result of the majority report proposal for a commission would be to make that an all-Democratic body. That is wrong in principle. In practice, it would have the effect of further undercutting the citizen's confidence in the honesty and justness of his state government.

I propose that the 1957 General Assembly pass and submit to the people a constitutional amendment that would:

1. Base representation in one house on population alone, in the other on the county unit. Since it is immaterial which chamber represents which, and since it is traditional in North Carolina for every county to be represented in the lower house, I recommend that the senate represent population, the house the counties.

Specifically, the house would be made up of 100 members, one, and only one, from each county. The senate would have 50 members, allotted on a basis of population, as the constitution now provides.

2. Provide for a three-member commission, authorized and directed to redistrict for the senate as soon as practicable after the adoption of this amendment, and in future after each decen-

nial census; the members to be appointed as follows: One by the chairman of the state Democratic executive committee, one by the chairman of the state Republican executive committee, and one by the Governor of North Carolina. And give the N. C. Supreme Court authority to compel this commission to perform its duty within a reasonable time.

If we are to have a democratic form of government, honest and just legislative representation is fundamental. A single set of figures suggests how far we are from that today:

One group of senatorial districts, containing only 10 per cent of the state's population (1950 census) elects 12 senators, or one-fourth of the senate. Another group of districts, containing about 25 per cent of the state's population, has only seven senators, or one-seventh of the senate. And that in the chamber that is supposed to reflect population!

Such a situation demands remedying without further delay.

I therefore recommend that this General Assembly provide for an election in 1957, submitting this amendment to the people; so that, if they approve it, its provisions will become effective in the election of members of the 1959 General Assembly.

Respectfully submitted,

Signed—Weimar Jones

